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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

DAVID INIGUEZ, )

Defendant. )

Criminal No. CR 07-0278 MAG

**[PROPOSED] ORDER AND  
STIPULATION TO EXCLUDE TIME  
AND DEFER PROSECUTION**

1. The parties appeared before the Honorable Elizabeth D. Laporte on January 30, 2008. At that time, the parties agreed to enter into this Deferred Prosecution Agreement (the "Agreement") and agreed to an exclusion of time under the Speedy Trial Act for the duration of the deferral of prosecution. 18 U.S.C. § 3161(b). The parties agree that deferral of prosecution is appropriate in order to allow defendant time to obtain a resolution on administrative proceedings with the Social Security Administration ("SSA") and exhaust his administrative appeals with SSA and the Office of Adjudication and Hearings Review ("ODAR").

2. This Agreement shall be in effect until January 27, 2009. In the event that the defendant's administrative appeals are exhausted prior to the one year period, or should the

defendant elect to initiate these proceedings sooner, the parties may terminate the Agreement early and place this matter on the Court's calendar for further proceedings.

3. The parties agree to an exclusion under the Speedy Trial Act from January 30, 2008 to January 27, 2009 and the defendant expressly waives his rights under Federal Rule of Criminal Procedure 48(b) for the period during which this Agreement is in effect. 18 U.S.C. § 3161(h)(2) & 3161(h)(8)(A) & (B)(iv); Fed. R. Crim. Pro. 48(b).

Accordingly, the parties agree that the prosecution will be deferred for a one year period of time for defendant to exhaust his administrative appeals.

IT IS SO STIPULATED.

JOSEPH P. RUSSONIELLO  
United States Attorney

DATED: 2/1/08

/s/  
WENDY THOMAS  
Special Assistant United States Attorney

DATED: 2/1/08

/s/  
JODI LINKER  
Attorney for Mr. Iniguez

[PROPOSED] ORDER

Based on the stipulation of the parties and with the consent of the defendant and for good cause shown, IT IS HEREBY ORDERED that time is excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(2) & § 3161(h)(8)(A) & (B)(iv) from January 30, 2008 to January 27, 2009 for deferral of prosecution by the United States for the purpose of allowing the defendant to complete his administrative appeals. A status conference in this matter will be held on January 27, 2009 at 10:30 am.

DATED: \_\_\_\_\_

ELIZABETH D. LAPORTE  
United States Magistrate Judge